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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/758,865 | 01/11/2001 | Craig L. Brooks | JTR001-01 | 9577 |

7590 08/16/2004
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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,865

Applicant(s)

BROOKS ET AL.

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Squires, U. S. Patent 1,730,790.

3. Squire teaches a map holder comprising an attachment piece or clamps (22, 23), adapted for coupling the map holder to pipe-like structure of a vehicle and a receiver piece or casing 10 coupled to the attachment piece, wherein the receiver piece is adapted for coupling to a display piece perpendicular to the length of the pipe like structure

With respect to claim 2, Squire teaches a hinge means 26 for coupling the receiver piece 10 to the attachment piece or clamps 22 and 23.

With respect to claim 4, the attachment piece is adjustable to accommodate multiple size pipes. The clamps 22 and 23 are secured together using threaded keepers 25 to accommodate various size pipes-like structures 21.

4. With respect to claim 5 and 9, the keeper 27 allows the casing 10 with hinge means 26 to rotated clockwise and counter clock wise, wherein the clockwise rotation is greater than the counter-clockwise rotation.

5. With respect to claim 7, Squire teaches light 18 secured to the top of the casing.

6. Claims 1-3, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Connolly, U. S. Patent 1,440,061. Connolly teaches a automobile license card holder comprising an attachment piece 13 adapted for coupling the holder to pipe-like structure 11 of a vehicle and a receiver piece 18 coupled to the attachment piece, wherein the receiver piece is adapted for coupling to a display piece 20-22 perpendicular to the Length of the pipe like structure 11.

7. With respect to claim 2, Connolly teaches a coupling means 14 for coupling the receiver piece 18 to the attachment piece 13.

8. With respect to claim 3, the holder taught by Connolly is made from a single strip of material A.

9. Claims 1, 2, 6, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Binner, U. S. Patent 4,349,246. Binner teaches a clip attachment comprising an attachment piece 17 adapted for coupling the holder to pipe-like structure 19 and a receiver piece 13 coupled to the attachment piece, wherein the receiver piece is adapted for coupling to a display piece 12 perpendicular to the Length of the pipe like structure 1. Binner also teaches universal joint or ball and socket connector 15.

Response to Arguments

10. Applicant's arguments filed July 6, 2004 have been fully considered but they are not persuasive.

11. The applicant argues that the prior art of record does not a tailpipe attachment piece adapted for coupling to an exhaust pipe of a vehicle. Specifically, that none of references teach a receiver piece for coupling to a display piece to hang below an

exhaust pipe, where the arrangement is so as to provide exposure to the display piece from behind the vehicle.

The examiner contends that prior art used in the rejections clearly teaches the claimed structure of the applicant's device. The also contends that structure of these prior art references can perform the claimed functional limitations. Squires, for example, teach an attachment piece comprising clamping members 22 and 23 for attachment around a cylindrical post or pipe. Connolly, also teaches an attachment piece in the form of a loop 13 which can be attached to post of varying diameters. The applicant has not pointed out any claimed structural limitations not taught by these references. The applicant merely argues that the reference do not teach the function.

The rejection is maintained.

Conclusion

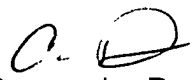
12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
August 11, 2004